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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**MISSOULA DIVISION**

UNITED STATES OF AMERICA,  Plaintiff,  vs.  DAVID E. BURGERT,  Defendant.	<b>Case No.'s</b> CR 02-49-M-DWM CR 04-21-M-DWM  <b>MOTION TO VACATE AND RESET RESENTENCING HEARINGS</b>
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Defendant DAVID E. BURGERT, through counsel, JOHN RHODES and the FEDERAL DEFENDERS OF MONTANA, moves the Court to vacate the current resentencings set for March 9, 2007 at 10:00 a.m. and to continue the resentencings to allow time for USPO Jean Keiley to submit updated presentencing reports ("PSRs") to the Court and for both parties to review and potentially object to the PSR's pursuant to Fed. R. Crim. P. 32. Pursuant to Local Rule of Criminal Procedure 12.2, AUSA Kris McLean does not oppose this motion. This issue was also discussed with USPO Jean Keiley and she agrees with the government.

RESPECTFULLY SUBMITTED March 5, 2006.

DAVID BURGERT

By           /s/ John Rhodes            
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**CERTIFICATE OF SERVICE**  
**L.R. 5.2(b)**

I hereby certify that on March 5, 2007, a copy of the foregoing document was served on the following persons by the following means:

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1. CLERK, UNITED STATES DISTRICT COURT

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